

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 1:12cr12-KS-JCG-2

GLENN MICHAEL BONANO, SR.

ORDER

This cause is before the Court on Motion to Vacate [363] under 28 U.S.C. § 2255 filed by Glenn Michael Bonano, Sr. The Court has reviewed the motion, the applicable files and relevant law and finds that pursuant to § 2255(b) that the files and records of the case conclusively show that the prisoner is entitled to no relief and the petition is **denied with prejudice** for the following reasons, to-wit:

1. On February 7, 2012, Petitioner Glenn Michael Bonano, Sr., was indicted as to Count 1 for possession with intent to distribute 50 grams or more of actual methamphetamine.
2. On April 12, 2012, the indictment was unsealed [23] and petitioner appeared for his initial appearance. On April 13, 2012, a detention hearing was held wherein petitioner was released on a \$100,000.00 bond with conditions.
3. On April 13, 2012, a Scheduling Order [62] was entered setting trial for petitioner on June 4, 2012.
4. A Motion to Continue was filed by petitioner's co-defendant and was objected to on May 7, 2012, by petitioner [124].
5. On April 15, 2012, the Objection to Motion for Continuance filed by petitioner was withdrawn [133] and by Text Order the case was continued for trial beginning August 6, 2012.
6. On July 2, 2012, a Motion for Extension of Time to File Motions and Notice of Change of Plea was filed by petitioner [157] and the plea deadline was extended by Text Order of same date until July 26, 2012.
7. On July 13, 2012, a Notice of Intent to Change Plea was filed by petitioner Glenn

Michael Bonano, Sr. [171].

8. On August 7, 2012, petitioner changed his plea to a plea of guilty as to Count 1 of the indictment [192].

In his petition there are two grounds alleged by petitioner:

1. That the Speedy Trial Act was violated and the length of time between the arraignment and guilty plea exceeded the statutory time and that the complaint should be dismissed and that his lawyer was ineffective for not raising this issue; and
2. that the sentence was excessive and violated the Sentencing Guidelines and the plea agreement.

The Court finds that the Speedy Trial Act was not violated in that a continuance was granted with the agreement of the petitioner. As to the second ground, there is a mandatory minimum sentence of 120 months for conviction of possession of intent to distribute 50 grams or more of methamphetamine. The Judge followed the statute and sentenced Bonano, Sr. to the statutory minimum of 120 months.

Finding that the 2255 petition filed by Bonano, Sr. [363] is without merit, this motion is **dismissed with prejudice.**

SO ORDERED on this the 25th day of November, 2014.

A handwritten signature in blue ink, appearing to read "Heidi Starnes", is written over the typed name. The signature is fluid and cursive.